

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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GREGORY S. GORAK,

Petitioner,

v.

LYNDA SCHWANDT, TONJA HESSELBERG,  
SGT. O'ROURKE, SGT. DAVIS, C.O. WICK  
and C.O. GORDON,

Respondents.

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ORDER

09-cv-230-slc

On April 16, 2009, petitioner Gregory S. Gorak, a prisoner at the Wisconsin Secure Program Facility in Boscobel, Wisconsin, submitted a proposed complaint and a check for \$455. On the same day, the clerk's office returned petitioner's check to him explaining in a letter that the correct amount of the filing fee is \$350 and not \$455. Petitioner has not responded to the letter or submitted a check for \$350.

Petitioner may not be aware that if he decides he cannot afford to pay the filing fee in full, he may ask for leave to proceed *in forma pauperis*. If he does this, he must arrange to submit a trust fund account statement for the six-month period beginning approximately October 13, 2008 and ending approximately April 13, 2009, so that I can determine whether he is indigent and, if he is, how much he must pay as an initial partial payment of the filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Therefore, I will give petitioner until May 14, 2009, in which to submit either payment of the \$350 filing fee or a trust fund account statement for the six-month period discussed above.

ORDER

IT IS ORDERED that petitioner may have until May 14, 2009, in which to do one of the following things:

1. Submit a check or money order made payable to the clerk of court in the amount of \$350 to cover the filing fee in full (in which case the complaint will be screened under 28 U.S.C. § 1915(e)); or

2. Advise the court that he wishes to proceed *in forma pauperis* in this action (in which case he must arrange immediately to submit a trust fund account statement for the period described above).

Further, IT IS ORDERED that if petitioner fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 24<sup>th</sup> day of April, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge